

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: 14 January 2005 (14.01.2005)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPL. NO. (if known): Not Yet Assigned 10/521455
INTERNATIONAL APPLICATION NO.: PCT/EP2004/005162	INTERNATIONAL FILING DATE: 14 May 2004 (14.05.2004)	PRIORITY DATE CLAIMED: 15 May 2003 (15.05.2003) DE
TITLE OF INVENTION: IMPLANT WITH ANTIBIOTIC LONG-TERM ACTION		
APPLICANT(S) FOR DO/EO/US: GOLDMANN, Helmut;		
Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 USC 371(f) The submission must include items(5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date(Article31)</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):</p> <p style="margin-left: 40px;">a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input checked="" type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 40px;">a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 40px;">d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</p> <p>20. <input type="checkbox"/> Other items or information:</p> <p style="margin-left: 40px;">TRANSMITTAL FORM; FEE CALCULATION; INTERNATIONAL PUBLICATION WO 2004/101010 A1 WITH INTERNATIONAL PUBLICATION DATE 25 NOVEMBER 2004 (25.11.2004) WITH VERIFIED ENGLISH TRANSLATION WHICH CONSISTS OF 14 PAGES INCLUDING: 10 PAGES TEXTUAL SPECIFICATION, 3 PAGES OF 17 CLAIMS; 1 PAGE OF THE ABSTRACT; 0 SHEETS DRAWINGS; PRELIMINARY AMENDMENT WITH ATTACHMENT A TO BE EXAMINED; EXECUTED INVENTOR'S DECLARATION; EXECUTED ASSIGNMENT WITH RECORDATION COVER SHEET; PCT/ISA/220 & 210 INTERNATIONAL SEARCH REPORT; PCT/IB/304 NOTIFICATION CONCERNING TRANSMITTAL OF PRIORITY DOCUMENT; REQUEST.</p>		

U.S. APPLICATION NO. (if known) not yet assigned 10/521455		INTERNATIONAL APPLICATION NO. PCT/EP2004/005162	DATE: 14 January 2005 (14.01.2005)		
17. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): With search fee and examination fee:.....\$1,000.00 <p style="text-align: center;">ENTER APPROPRIATE BASIC FEE AMOUNT =</p>			<u>CALCULATIONS</u> \$ 1,000.00 \$ 1,000.00	PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).			\$		
CLAIMS	NO. FILED	NO. EXTRA	RATE		
TOTAL	18 -20=	0	X \$ 18.00	\$	0.00
INDEPENDENT	1_ - 3=	0	X \$ 84.00	\$	0.00
<input type="checkbox"/> Multiple dependent claims(s) (if applicable)			+ \$280.00	\$	0.00
TOTAL OF ABOVE CALCULATIONS =				\$	1,000.00
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$	0.00
SUBTOTAL =				\$	1,000.00
Processing fee of \$130.00 for furnishing the English translation later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$	0.00
TOTAL NATIONAL FEE =				\$	1,000.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	40.00
TOTAL FEES ENCLOSED =				\$	1,040.00
				Amount to be:	
				refunded	\$
				charged	\$

ATTORNEY'S DOCKET NO: 26569U

U.S. APPLICATION NO. (if known) not yet assigned 10/521 455	INTERNATIONAL APPLICATION NO. PCT/EP2004/005162	DATE: <u>14</u> January 2005 (<u>14</u> 1.2005)
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a. ☒ Two checks in the aggregate amount of \$ 1,040.00 to cover the above fees are enclosed.

b. ☐ Please charge my Deposit Account No. 14-0112 in the amount of \$ _____ to cover the above fees. (A duplicate copy of this sheet is enclosed.)

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0112.

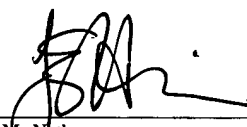
d. Fees are to be charged to a credit card ☐ WARNING: Information on this form may become public ☐ Credit Card Information should not be included on this form. ☐ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

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DT15 Rec'd PCT/PTO 14 JAN 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GOLDMANN, Helmut

International Application No. PCT/EP2004/005162

Serial No. NOT YET ASSIGNED

International Filing Date: 14 May 2004 (14.May.2004)

Filed: January 14, 2005

For: IMPLANT WITH ANTIBIOTIC LONG-TERM ACTION

TRANSMITTAL LETTER

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

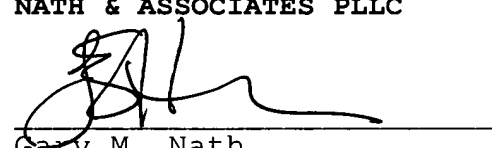
Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter
- (2) Transmittal Letter To U.S. Designated/Elected Office
(DO/EO/US) Concerning Filing under 35 U.S.C. 371
- (3) International Publication No: WO 2004/101010 A1
International Publication Date: 25 November 2004 (25.11.2004)
With verified English translation which consists of 14 pages including:
 - 10 pages Textual Specification,
 - 3 pages of 17 Claims,
 - 1 page of the Abstract,
 - 0 sheets of Drawings;
- (4) **Preliminary Amendment with Attachment A to be examined;**
- (5) Executed Inventor's Declaration;
- (6) Executed Assignment with Recordation Cover Sheet;
- (7) PCT/ISA/220 & 210 International Search Report;
- (8) PCT/IB/304 Notification Concerning Transmittal of Priority Document;
- (9) Request;
- (10) Check No. 22425 \$ 1,000.00 for national stage fee, search fee and examination fee;
- (11) Check NO. 22426 \$ 40.00 for recordation fee;
- (12) Postcard for early notification of serial number.

Respectfully submitted,

NATH & ASSOCIATES PLLC

By:


Gary M. Nath
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Tanya E. Harkins
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Customer No. 20529

Date: January 14, 2005
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. :

U.S. National Serial No. :

Filed :

PCT International Application No. : PCT/EP2004/005162

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the German language in which the below identified international application was filed, and that, to the best of my knowledge and belief, the English translation of the international application No. PCT/EP2004/005162 is a true and complete translation of the above identified international application as filed.

I hereby declare that all the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application issued thereon.

Date: September 30, 2004



Full name of the translator :

David Brook BAXTER

For and on behalf of RWS Group Ltd

Post Office Address :

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Gerrards Cross, Buckinghamshire,
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